

## **Chapter 27.17**

### **R-4 RESIDENTIAL DISTRICT**

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This district is intended to provide a stable area of residential use at a gross density in the range of three to five dwelling units per acre. It is anticipated that some redevelopment will occur in this district. The use of the district includes single- and two-family dwellings, plus support facilities, such as schools, parks, community buildings, and churches.

#### **27.17.010 Scope of Regulations.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the R-4 Residential District. (Ord. 12571 §117; May 8, 1979).

#### **27.17.020 Use Regulations.**

A building or premises shall be permitted to be used for the following purposes in the R-4 Residential District:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (d) Public libraries;
- (e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes. (Ord. 12571 §118; May 8, 1979).

#### **27.17.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the R-4 Residential District in conformance with the conditions prescribed herein:

- (a) Churches:
  - (1) Parking shall be in conformance with Chapter 27.67;
  - (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;
  - (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.

(b) Group homes:

(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of Chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

(c) Early childhood care facilities in churches:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(d) Domestic shelter:

(1) Parking shall be in conformance with Chapter 27.67;

(2) The maximum number of residents occupying such a facility shall not exceed one person per 1,000 square feet of lot area;

(3) The distance between the proposed use and any existing domestic shelter measured from lot line to lot line shall not be less than one mile.

(e) Early childhood care facilities with a maximum of fifteen children present at any time:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities shall be used as the permanent residence of the licensed child care provider;

(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;

(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department. (Ord. 18476 §7; December 13, 2004: prior Ord. 16854 §12; August 14, 1995: Ord. 15751 §6; October 15, 1990: Ord. 14060 §2; February 25, 1985: Ord. 13302 §4; February 1, 1982: Ord. 12571 §119; May 8, 1979).

#### **27.17.040 Permitted Special Uses.**

A building or premises may be used for the following purposes in the R-4 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Community unit plans in conformance with Chapter 27.65;
- (b) Private schools, other than those permitted under Section 27.17.020(e) above;
- (c) Health care facilities;
- (d) Dwellings for members of religious orders;
- (e) Mobile home courts;
- (f) Recreational facilities;
- (g) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (h) Broadcast towers;
- (i) Certain parking lots as defined in Chapter 27.63;
- (j) Clubs;
- (k) Elderly or retirement housing;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation;
- (n) Public utility purposes;
- (o) Wind energy conversion systems;
- (p) Mobile home subdivisions;
- (q) Housing and related facilities for the physically handicapped;
- (r) Outdoor seasonal sales;
- (s) Cemeteries;
- (t) Domiciliary care facility;
- (u) Expansion of nonstandard single and two-family dwellings into required yards;
- (v) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.17.030;
- (w) Neighborhood support services;
- (x) Connection of single-family dwelling to accessory building for the physically handicapped;
- (y) Adult care centers;
- (z) Alternative to imprisonment facilities;
- (aa) Children's homes. (Ord. 18535 §10; May 9, 2005: prior Ord. 18476 §8; December 13, 2004: Ord. 17780 §3; December 18, 2000: Ord. 16854 §13; August 14, 1995: Ord. 16820 §4; July 10, 1995: Ord. 16673 §8; September 26, 1994: Ord. 15371 §4; December 18, 1989: Ord. 15368 §6; December 18, 1989: Ord. 14815 §3; January 4, 1988: Ord. 14780 §5; November 2, 1987: Ord. 14767 §4; October 12, 1987: Ords. 14475, 14510, 14562 amended by Ord. 14644 §6; April 13, 1987: Ord. 14378 §4; May 5, 1986: Ord. 13980 §10; October 29, 1984: Ord. 13588 §5; May 9, 1983: Ord. 13546 §5; February 28, 1983: Ord. 13535 §4; January 24, 1983: Ord. 12978 §6; August 25, 1980: Ord. 12894 §6; April 7, 1980: Ord. 12571 §120; May 8, 1979).

**27.17.050 Accessory Uses.**

Accessory uses permitted in the R-4 Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §121; May 8, 1979).

**27.17.060 Parking Regulations.**

Parking within the R-4 Residential District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §122; May 8, 1979).

**27.17.070 Sign Regulations.**

Signs within the R-4 Residential District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §123; May 8, 1979).

**27.17.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the R-4 Residential District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §6; February 22, 2000.)

**27.17.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-4 Residential District shall be as follows:

- (a) General requirements:

<b>Table 27.17.080(a)</b>						
	<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
Dwelling, single- family	5,000	50'	25'	5'	Smaller  of 30'	35'
Dwelling, two-family	2,500 per family	25' per family	25'	5', 0' if party wall	or  20%	35'
Other permitted uses	5,000	50'	25'	5'	of depth	35'

- (b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(e) Where a lot of record as of November 2, 1953, has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a single-family dwelling. Where a lot of record as of November 2, 1953, has less width than herein required, and its boundary lines along their entire length abutted lands of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a two-family dwelling.

(f) In those locations in the R-4 Residential District where, on November 2, 1953, and continuing thereafter, forty percent or more of the frontage on the same side of a street between two street intersections is lawfully occupied by two or more buildings, consisting of multiple dwellings, three- and four-family dwellings may be erected in conformance with the height, minimum lot requirements, and parking regulations of the R-5 Residential District.

(g) Multiple dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. (Ord. 16971 §1; April 22, 1996: prior Ord. 14447 §4; July 28, 1986: Ord. 13929 §4; August 27, 1984: Ord. 12751 §4; November 5, 1979: Ord. 12657 §4; August 6, 1979: Ord. 12571 §124; May 8, 1979).

#### **27.17.090 Neighborhood Design Standards.**

Each application for a building permit for new construction of a principal building on property located within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards. (Ord. 18305 §4; February 23, 2004: prior Ord. 17664 §1; May 1, 2000).